

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Ska Luna Corporation t/a
Casbah Cafe/Ledo Pizza Restaurant Show Cause
1721 Wisconsin Ave., NW Hearing
Retailer CR - ANC-2E (Status)
License No. 74333
Case #15-AUD-00032

(Failed to Maintain Books and
Records (Two Counts), Failed
to Qualify as a Restaurant)

June 10, 2015

The Alcoholic Beverage Control Board
met in the Alcoholic Beverage Control Hearing
Room, Reeves Building, 2000 14th Street, N.W.,
Suite 400S, Washington, D.C. 20009, Chairperson
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

1 P-R-O-C-E-E-D-I-N-G-S

2 9:43 a.m.

3 CHAIRPERSON MILLER: The next case is
4 15-AUD-00032, Casbah Cafe/Ledo Pizza Restaurant
5 located at 1721 Wisconsin Avenue, N.W., License
6 No. 74333, in ANC-2E.

7 Good morning. You can have a seat.

8 MR. IDIAB: Good morning.

9 CHAIRPERSON MILLER: And sign-in also.

10 MS. GEPHARDT: Good morning, Chrissy
11 Gephardt on behalf of the Office of the Attorney
12 General.

13 CHAIRPERSON MILLER: Sir?

14 MR. IDIAB: My name is Tarek Idiab.

15 CHAIRPERSON MILLER: Okay. Are you
16 the owner of the restaurant?

17 MR. IDIAB: Yes, ma'am.

18 CHAIRPERSON MILLER: Okay. Did you
19 receive notice of this hearing?

20 MR. IDIAB: Yes, ma'am.

21 CHAIRPERSON MILLER: Did you read it
22 and understand it?

1 MR. IDIAB: Yes, ma'am.

2 CHAIRPERSON MILLER: Okay. So there
3 is not a notice issue with respect to this
4 hearing.

5 MR. IDIAB: No, ma'am.

6 CHAIRPERSON MILLER: Okay. All right.
7 Are there any preliminary matters, Ms. Gephardt?

8 MS. GEPHARDT: Yes, there is a
9 preliminary matter.

10 CHAIRPERSON MILLER: Okay.

11 MS. GEPHARDT: The parties have agreed
12 on an Offer in Compromise in this case. There
13 are three charges here. For Charge 1 would be a
14 \$1,500 fine. For Charge 2 it would be a
15 mandatory written warning. And then Charge 3
16 would be dismissed. And then the fine would need
17 to be paid within 30 days or the license would be
18 suspended.

19 I believe Mr. Idiab has indicated that
20 he is ready to pay today.

21 CHAIRPERSON MILLER: Charge 1 is
22 \$1,500?

1 MS. GEPHARDT: Correct.

2 CHAIRPERSON MILLER: What tier
3 violation is that?

4 MS. GEPHARDT: This is a first primary
5 tier violation.

6 CHAIRPERSON MILLER: First primary.
7 Okay. Well, let me ask Mr. Idiab, first of all,
8 if you agree to this Offer in Compromise which,
9 as I understand it, is \$1,500 for Charge 1, a
10 mandatory warning for Charge 2 and Charge 3
11 dismissed and the fine needs to be paid within 30
12 days. If not paid within 30 days, the license
13 will be suspended until the fine is paid.

14 MR. IDIAB: The fine I will pay today.

15 CHAIRPERSON MILLER: Okay.

16 MR. IDIAB: I am aware of the charges
17 and like I showed to her I put all the record
18 together as far as beverage invoices for 2013,
19 '14, '15, food invoices for '13, '14, '15 and
20 sales month-by-month, 2013, 2014, 2015.

21 MEMBER ALBERTI: Thank you.

22 CHAIRPERSON MILLER: Okay. Do Board

1 Members have any questions?

2 MEMBER ALBERTI: I'm confused.

3 CHAIRPERSON MILLER: Yes. Okay.

4 MEMBER ALBERTI: Yes. Mr. Idiab, I
5 mean, our notes -- I have -- my notes here may be
6 wrong. But my notes say that you -- when the
7 Investigator visited, you indicated that the
8 records were not available because they were not
9 kept. So is that not correct? Is that
10 incorrect?

11 MR. IDIAB: Part of it correct, part
12 of it is not. It's like we never experienced
13 that before. We not organized. We did not know
14 how to collect all the information and put our
15 records together. Okay? And it take us a lot of
16 effort to put it all together for companies ask
17 them for audit report, so we can get all the
18 invoices. Okay?

19 Accounting, that's all the sales. So
20 we would put the books, everything together for
21 the last three years.

22 MEMBER ALBERTI: Okay. So what I'm

1 hearing you say --

2 MR. IDIAB: We learn from experience.

3 We learn from the mistake we made.

4 MEMBER ALBERTI: No, I understand. I

5 understand. So what I'm hearing you saying is

6 they were available, you just hadn't, at that

7 time, been organized enough to collect them

8 together.

9 MR. IDIAB: Correct.

10 MEMBER ALBERTI: And have them

11 available for the --

12 MR. IDIAB: Correct, sir.

13 MEMBER ALBERTI: But that's actually

14 great news. I commend you for all the hard work

15 you did in putting them all together and we thank

16 you for that.

17 MR. IDIAB: Thank you.

18 MEMBER ALBERTI: And hopefully going

19 forward this issue --

20 MR. IDIAB: No problem.

21 MEMBER ALBERTI: -- will clear up.

22 Thank you.

1 MR. IDIAB: Thank you.

2 CHAIRPERSON MILLER: Ms. Gephardt, I
3 just wanted to double check on the violation that
4 this is a primary. This is 25-113(b)(3)(B)(i)?

5 MS. GEPHARDT: The -- which one? The
6 primary?

7 CHAIRPERSON MILLER: The first one for
8 \$1,500.

9 MS. GEPHARDT: For Charge 1?

10 CHAIRPERSON MILLER: Yes.

11 MS. GEPHARDT: I believe that is a
12 violation of § 1204. Let's see, yes, DCMR, 23
13 DCMR 1204.1, which is a primary tier violation.

14 CHAIRPERSON MILLER: Okay. Oh, 23
15 DCMR, okay. Okay. Okay. We were just looking
16 at the notice. It cites both the statute and the
17 regulation.

18 MS. GEPHARDT: Yes.

19 CHAIRPERSON MILLER: And the
20 Regulation 1204 says this is a primary.

21 MS. GEPHARDT: Yes.

22 CHAIRPERSON MILLER: Okay. I just

1 wanted to make sure. Okay. Thank you.

2 MS. GEPHARDT: Yes.

3 CHAIRPERSON MILLER: All right. Any
4 other questions by Board Members?

5 All right. Then I would move approval
6 then of this Offer in Compromise of a fine of
7 \$1,500 for Charge 1. Charge 2 a mandatory
8 warning. Charge 3 is dismissed. And the fine
9 must be paid within 30 days or else the license
10 will be suspended until the penalty is paid. Do
11 I have a second?

12 MEMBER SILVERSTEIN: Second.

13 CHAIRPERSON MILLER: Mr. Silverstein
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 6-0-0.

20 Okay. Thank you.

21 MR. IDIAB: Thank you.

22 CHAIRPERSON MILLER: Thank you very

1 much.

2 (Whereupon, the Show Cause (Status)

3 Hearing in the above-entitled matter was

4 concluded at 9:50 a.m.)

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A \$1,500 3:14,22 4:9 7:8 8:7 a.m 2:2 9:4 above-entitled 9:3 abstaining 8:18 Accounting 5:19 agree 4:8 agreed 3:11 ALBERTI 1:17 4:21 5:2 5:4,22 6:4,10,13,18 6:21 Alcoholic 1:2,13,13 ANC-2E 1:7 2:6 approval 8:5 Attorney 2:11 audit 5:17 available 5:8 6:6,11 Ave 1:7 Avenue 2:5 aware 4:16 aye 8:15,16	Control 1:2,13,13 Corporation 1:6 correct 4:1 5:9,11 6:9 6:12 Counts 1:10 CR 1:7 D D.C 1:14 days 3:17 4:12,12 8:9 DCMR 7:12,13,15 dismissed 3:16 4:11 8:8 DISTRICT 1:1 DONALD 1:18 double 7:3	issue 3:3 6:19 J JAMES 1:19 June 1:12 K kept 5:9 know 5:13 L learn 6:2,3 Let's 7:12 license 1:8 2:5 3:17 4:12 8:9 located 2:5 looking 7:15 lot 5:15 Luna 1:6	O OAG 1:21 Offer 3:12 4:8 8:6 Office 2:11 Oh 7:14 okay 2:15,18 3:2,6,10 4:7,15,22 5:3,15,18 5:22 7:14,15,15,15,22 8:1,20 opposed 8:18 organized 5:13 6:7 owner 2:16
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